

IN RE: PETITION FOR RESIDENTIAL ZONING VARIANCE
End of 4/5 Arborwood Road,
667.13 ft. +/- NW Arborwood Court
8512 Arborwood Road
3rd Election District
2nd Councilmanic District
Marc Berman, et ux
Petitioners

* BEFORE THE DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 94-253-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Marc Berman and Tami Berman, his wife, for that property known as 8512 Arborwood Road in the Stevenson Park subdivision of Baltimore County. The Petitioner/property owners herein seek a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an accessory structure (pool) to be located in the side yard in lieu of the required rear yard, as more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the

B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 26th day of January, 1994 that the Petition for a Zoning Variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an accessory structure (pool) to be located in the side yard in lieu of the required rear yard, in accordance with Petitioners' Exhibit No. 1, be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmm

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

January 25, 1994

Mr. and Mrs. Marc Berman
8512 Arborwood Road
Baltimore, Maryland 21208

RE: Petition for Administrative Variance
Case No. 94-253-A
Property: 8512 Arborwood Road

Dear Mr. and Mrs. Berman:

Enclosed please find the decision rendered in the above captioned case. The Petition for Administrative Variance has been granted, in accordance with the attached order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mmm
encl.

Petition for Administrative Variance
to the Zoning Commissioner of Baltimore County
for the property located at 8512 Arborwood Rd. Baltimore, MD 21208
which is presently zoned LRC-5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an accessory structure (pool) to be located in the side yard in lieu of the required rear yard.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)
Septic in back, must put pool in side (all woods)
Rear is steep down-slope - Hill-climb.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

When do solemnly declare and affirm, under the penalties of perjury, that I am the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):
Tami L. Berman
Tami L. Berman
Marc N. Berman
Marc N. Berman

Signature(s):
Tami L. Berman
Marc N. Berman

Address: 8512 Arborwood Rd. Baltimore, MD 21208
Phone No.: 410-887-4386

Name, Address and phone number of representative to be contacted:
Tami L. Berman
8512 Arborwood Rd. Baltimore, MD 21208
Phone No.: 410-887-4386

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 25th day of January, 1994, that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in the newspaper of general circulation throughout Baltimore County, and that the property be posted.

Reviewed by: [Signature] Date: 1/23/94
Terminated Posting Date: 1-29-94

Item #: 259

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is true to the best of the personal knowledge of the Affiant(s) and that Affiant(s) are competent to testify therein in the event that a public hearing is scheduled in the future with regard to this.

That the Affiant(s) do(es) presently reside at: 8512 Arborwood Rd. Baltimore, MD 21208

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (Indicate hardship or practical difficulty)

Septic is in back - back with steep cliff + woods
The septic is clear - no neighbor's directly to side
No other trees, etc.
Already had surveyed - OK side

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

I HEREBY CERTIFY, this 10 day of December, 1993, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Tami L. Berman
Tami L. Berman
Marc N. Berman
Marc N. Berman

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I, Notary Public, do hereby certify that the foregoing is a true and correct copy of the original as the same appears to me.

My Notary Public Commission Expires: Sept 1, 1994

My Commission Expires: Sept 1, 1994

My Commission Expires: Sept 1, 1994

My Commission Expires: Sept 1, 1994

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94-253-A

ZONING DESCRIPTION FOR 8512 Arborwood Rd.
Election District 3 Councilmanic District 2

Beginning at a point on the West end side of Arborwood Road (street on which property fronts) which is 50' (number of feet of right-of-way width) wide at a distance of 667.13' +/- NW of the (number of feet) (north, south, east or west) nearest improved intersecting street: Stevenson Park (name of street) which is 50' (number of feet of right-of-way width) wide. *Being Lot # 23, Block # 28, Section # 57, in the subdivision of Stevenson Park as recorded in Baltimore County Plat Book # 28, Folio # 57, containing 1.66 ac. +/- (square feet and acres)

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 3rd Date of Posting: 1/19/94
Posted for: Tami L. Berman
Petitioner: Tami L. Berman
Location of property: 8512 Arborwood Rd., Baltimore, MD 21208
Location of Sign: 8512 Arborwood Rd., Baltimore, MD 21208
Remarks:
Posted by: [Signature] Date of return: 1/19/94
Number of Signs: 1

Receipt
94-253-A
Account: R-001-6150
Number: 259
Date: 12-23-93
Marc N & Tami L. Berman
8512 Arborwood Rd. (21208)
D10 - Residential (Adm) Variance - \$50.00
D10 - Sign & Posting - 25.00
Total: \$75.00

PETITION PROCESSING FLAG

This petition has been accepted for filing, after an initial review, and has been placed on the agenda for the zoning advisory committee. However, the following items were found to be missing or incomplete when the petition was included on the agenda by Sophia. A copy of this "flag" will be placed in the case file for the Zoning Commissioner's review. The planner that accepted the petition for filing has the option of notifying the petitioner and/or attorney prior to the hearing or Zoning Commissioner's review of the petition regarding the items noted below. If the petitioner/attorney is contacted by the planner, it is the petitioner's ultimate decision and responsibility to make a proper application, address any zoning conflicts, and to file revised petition materials if necessary. Delays and unnecessary additional expenses may be avoided by correcting the petition to the proper form.

Need an attorney
The following information is missing:
Actual address of property
Zoning
Acreage
Plats (need 12, only submitted)
200 scale zoning map with property outlined
Election district
Councilmanic district
Hardship/practical difficulty information
Owner's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
Contract purchaser's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
Signature (need minimum 1 original signature) and/or printed name and/or title of person signing for legal owner/contract purchaser
Power of attorney or authorization for person signing for legal owner and/or contract purchaser
Attorney's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
Notary Public's section is incomplete and/or incorrect and/or commission has expired

PET-FLAG (TWSOPH)
11/17/93

Baltimore County Government
Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Towson, MD 21204
(410) 887-3353

January 14, 1994

Mr. and Mrs. Marc S. Berman
8512 Arborwood Road
Baltimore, Maryland 21208

RE: Case No. 94-253-A, Item No. 259
Petitioner: Marc S. Berman, et al
Petition for Administrative Variance

Dear Mr. and Mrs. Berman:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on December 23, 1994, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filling requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

1-3-94

Ms. Charlotte Minton
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No. 94-253 (JJS)

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
for DAVID N. KATZMAN, ACTING CHIEF
John Contestable, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Baltimore County Government
Fire Department

700 East Joppa Road, Suite 901
Towson, MD 21286-5500

(410) 887-4500

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: TAMM L. BERMAN & MARC N. BERMAN

LOCATION: END W/S ARBORWOOD RD. 667.13' +/- NW OF ARBOR WOOD CT.
(8512 ARBORWOOD RD.)
Item No.: 259 (JJS) Zoning Agenda: ADMINISTRATIVE VARIANCE

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Prevention, PHONE 887-4881, MS-1102F

cc: File

Printed on Recycled Paper

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: January 5, 1994

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):
Item No. 243, 248, 250, 251, 253, 255, 256, 257, and 259.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: Jeffrey M. Long

Division Chief: Cheryl L. Kraw

PK/JL:lw

ZAC.243/PZONE/ZAC1

Baltimore County
Zoning Administration & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3353

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Larry E. Schmidt
Zoning Commissioner

DATE: January 6, 1994

FROM: James H. Thompson - TF
Zoning Enforcement Coordinator

SUBJECT: ITEM NO.: 259
PETITIONER: MARC BERMAN AND TAMI BERMAN
TENANTS BY ENTIRETIES

VIOLATION CASE NO.: C-94-1097

LOCATION OF VIOLATION: 8512 Arborwood Road
Baltimore, Maryland 21208
3rd Election District

DEFENDANTS: Marc Berman and Tami Berman
8512 Arborwood Road
Baltimore, Maryland 21208

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s):

NAME ADDRESS

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Zoning Enforcement Coordinator, so that the appropriate action may be taken relative to the violation case.

JHT/TF/hck

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

JANUARY 6, 1994

NOTICE OF CASE NUMBER ASSIGNMENT

TO: Tami Berman and Marc Berman
8512 Arborwood Road
Baltimore, Maryland 21208

Re: CASE NUMBER: 94-253-A (Item 259)
8512 Arborwood Road
and W/S Arborwood Road, 667.13' +/- NW Arborwood Court
3rd Election District - 2nd Councilmanic

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a referee regarding the administrative process.

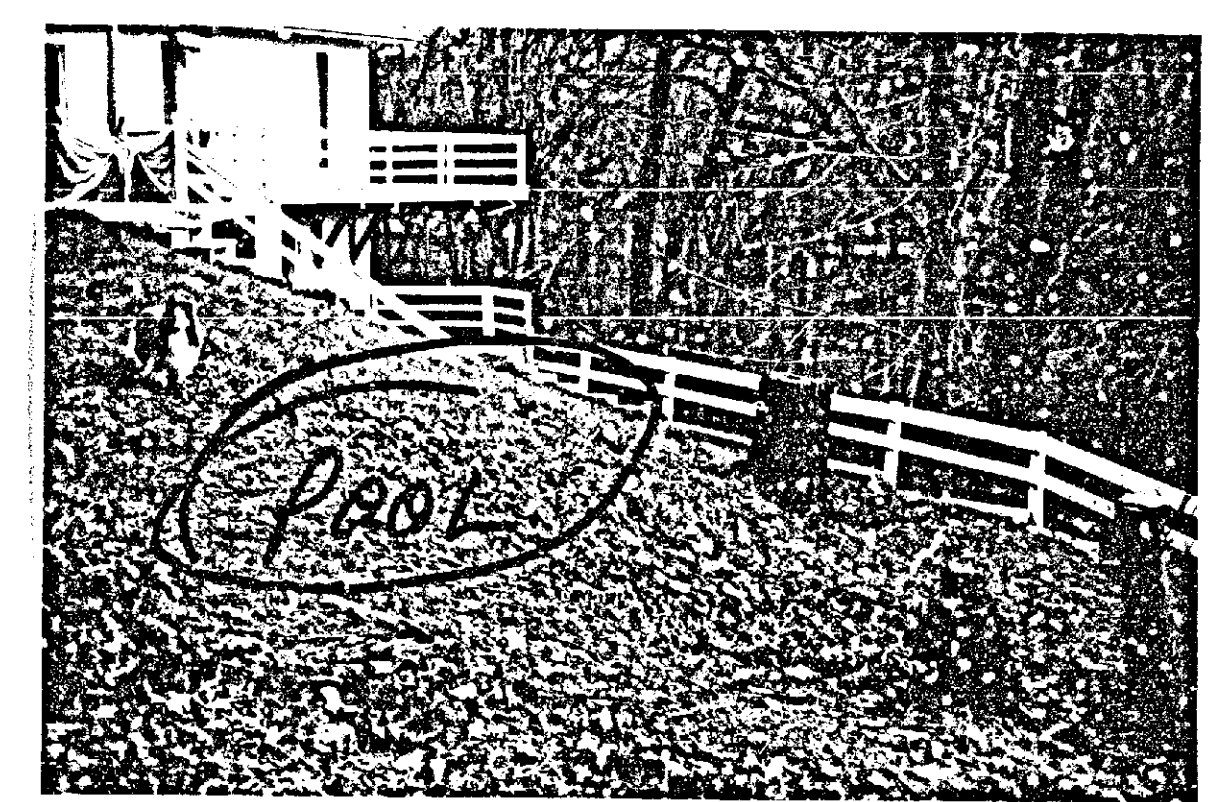
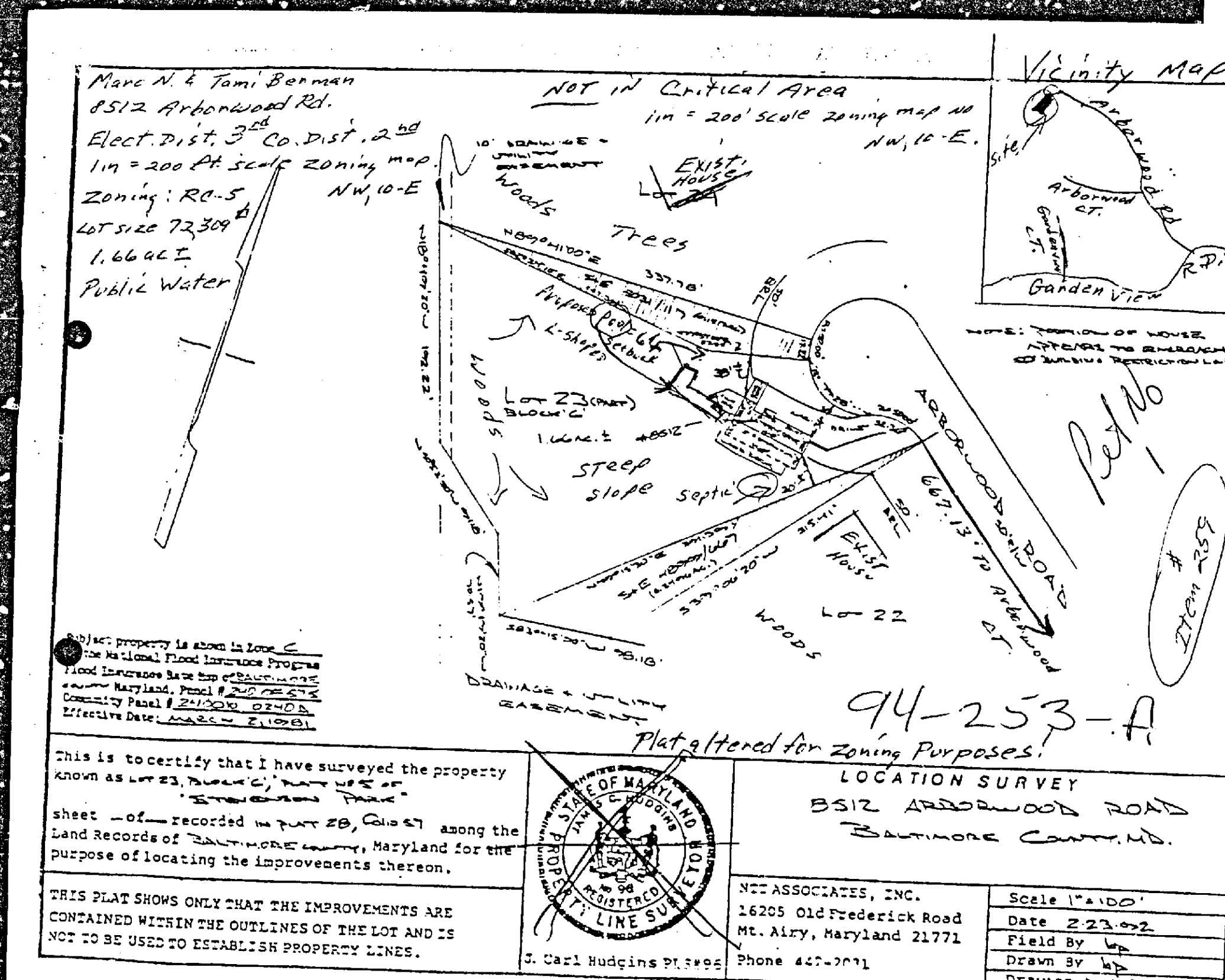
- 1) Your property will be posted on or before January 9, 1994. The closing date (January 24, 1994) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

- 2) In cases requiring public hearing (whether due to a neighbor's formal request or by order of the Commissioner), the property will be reported and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reporting and newspaper advertising are payable by the petitioner(s).
- 3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

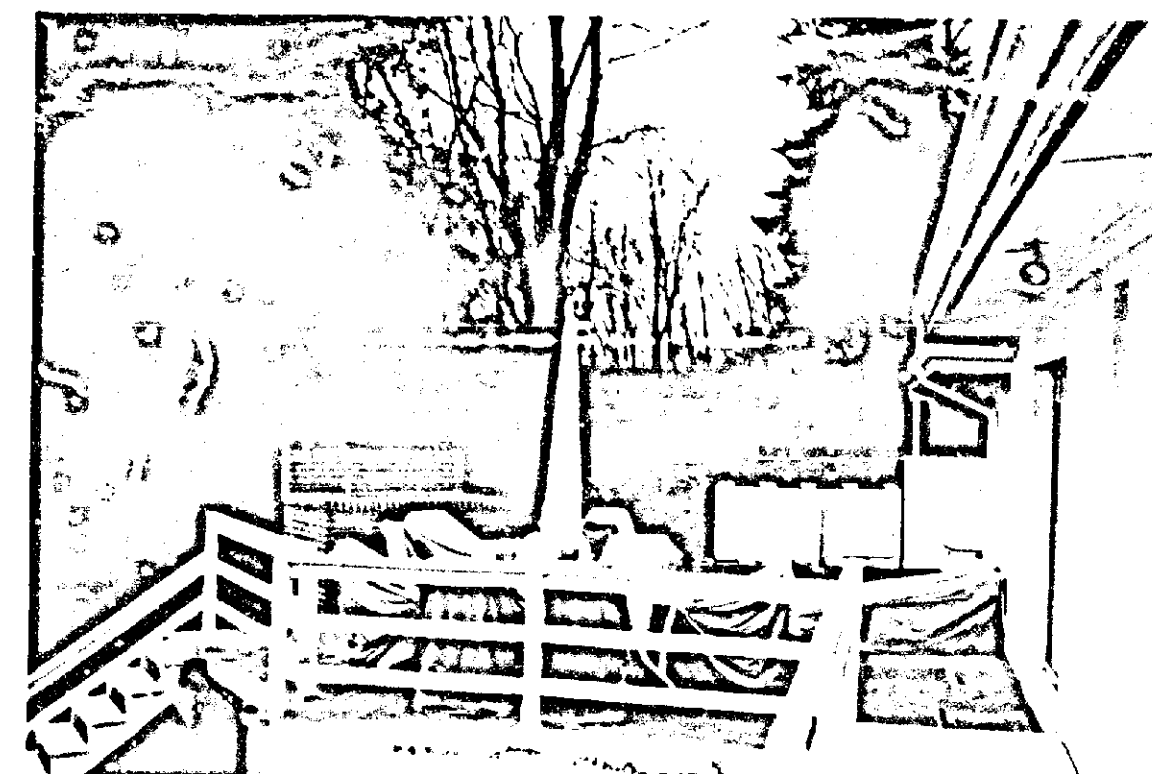
PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Arnold Jablon
Director

Printed on Recycled Paper

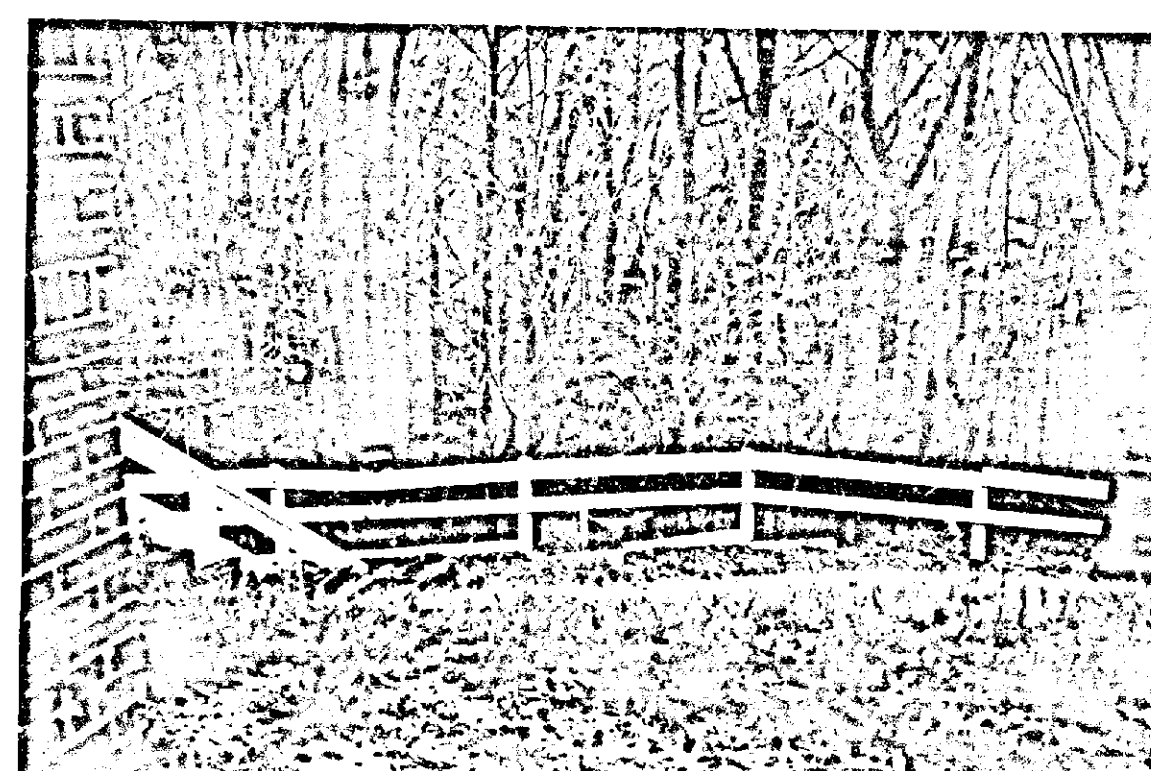
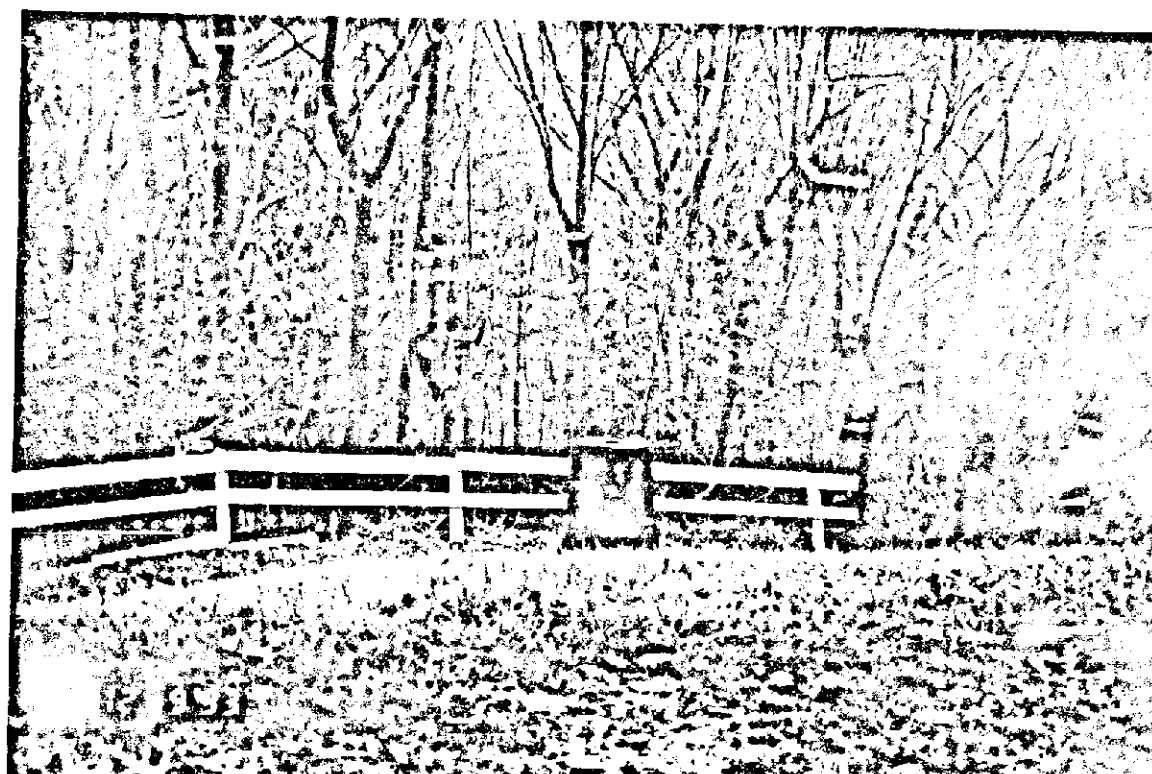
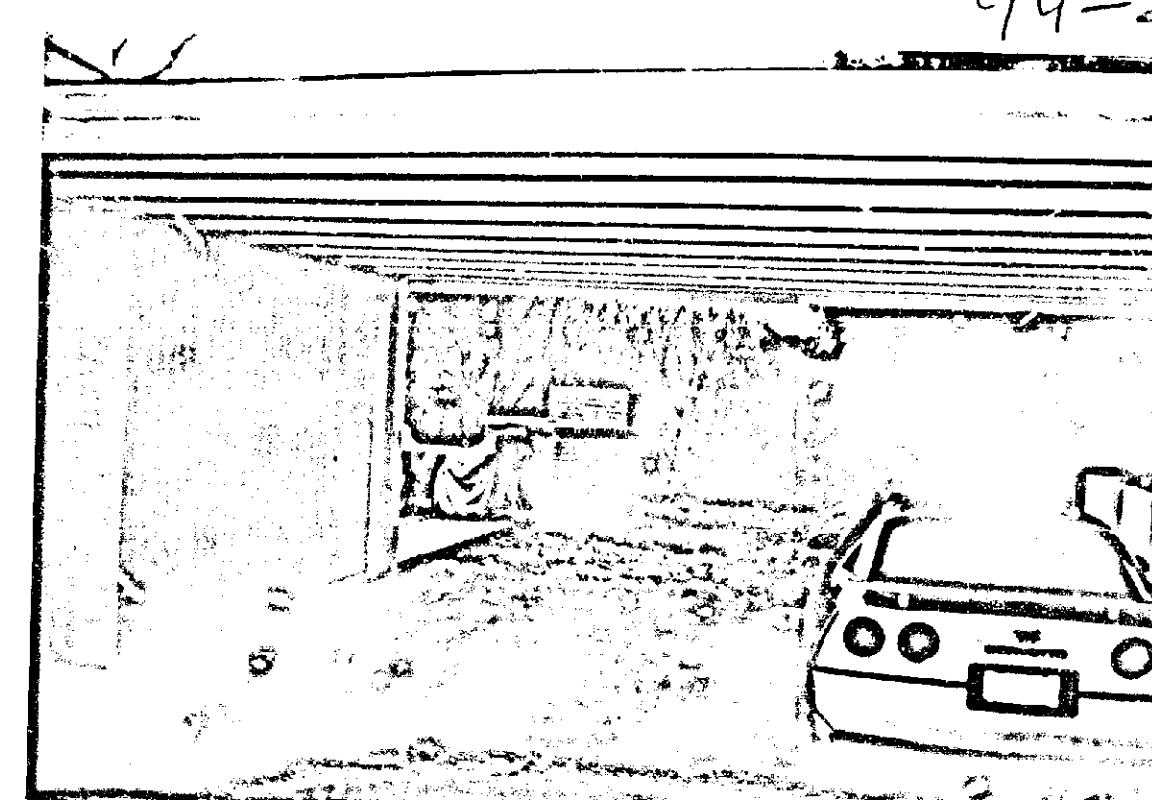


94-253-A



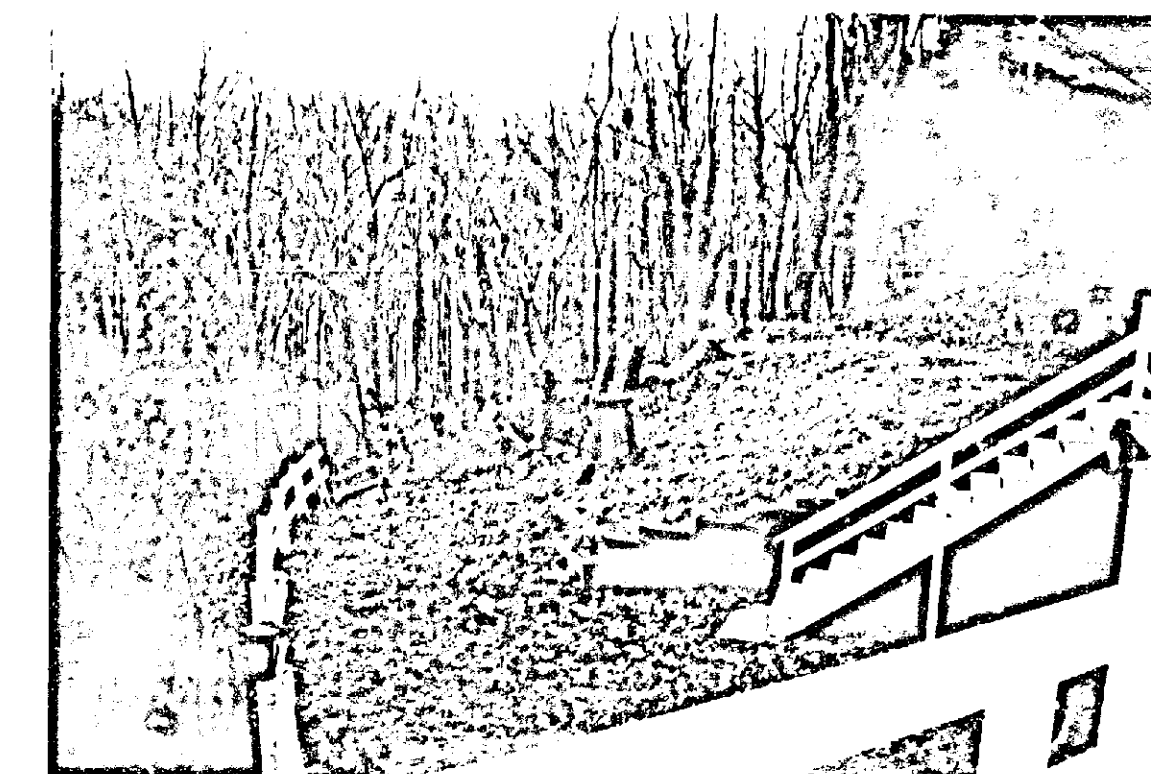
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94-253-A



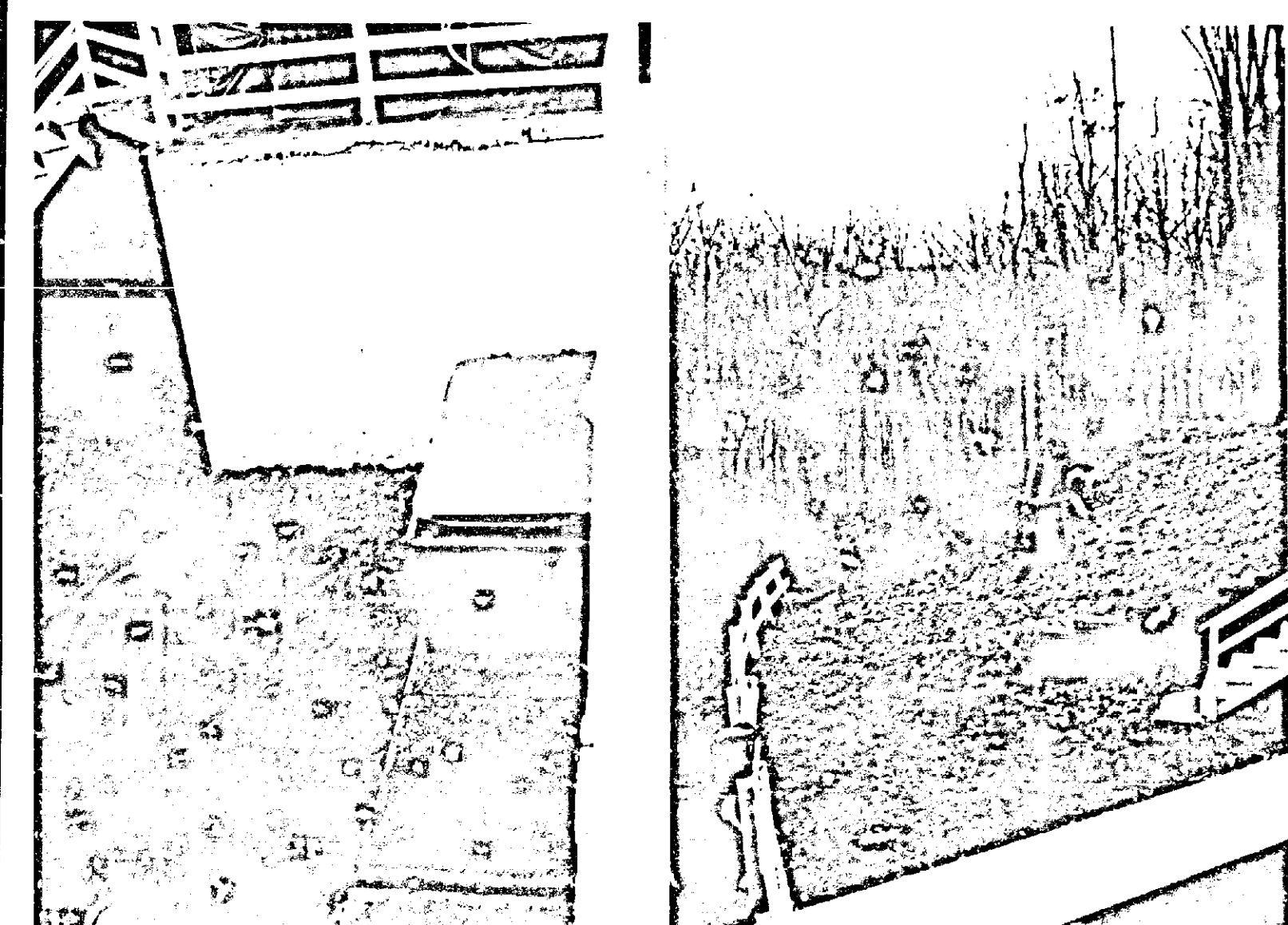
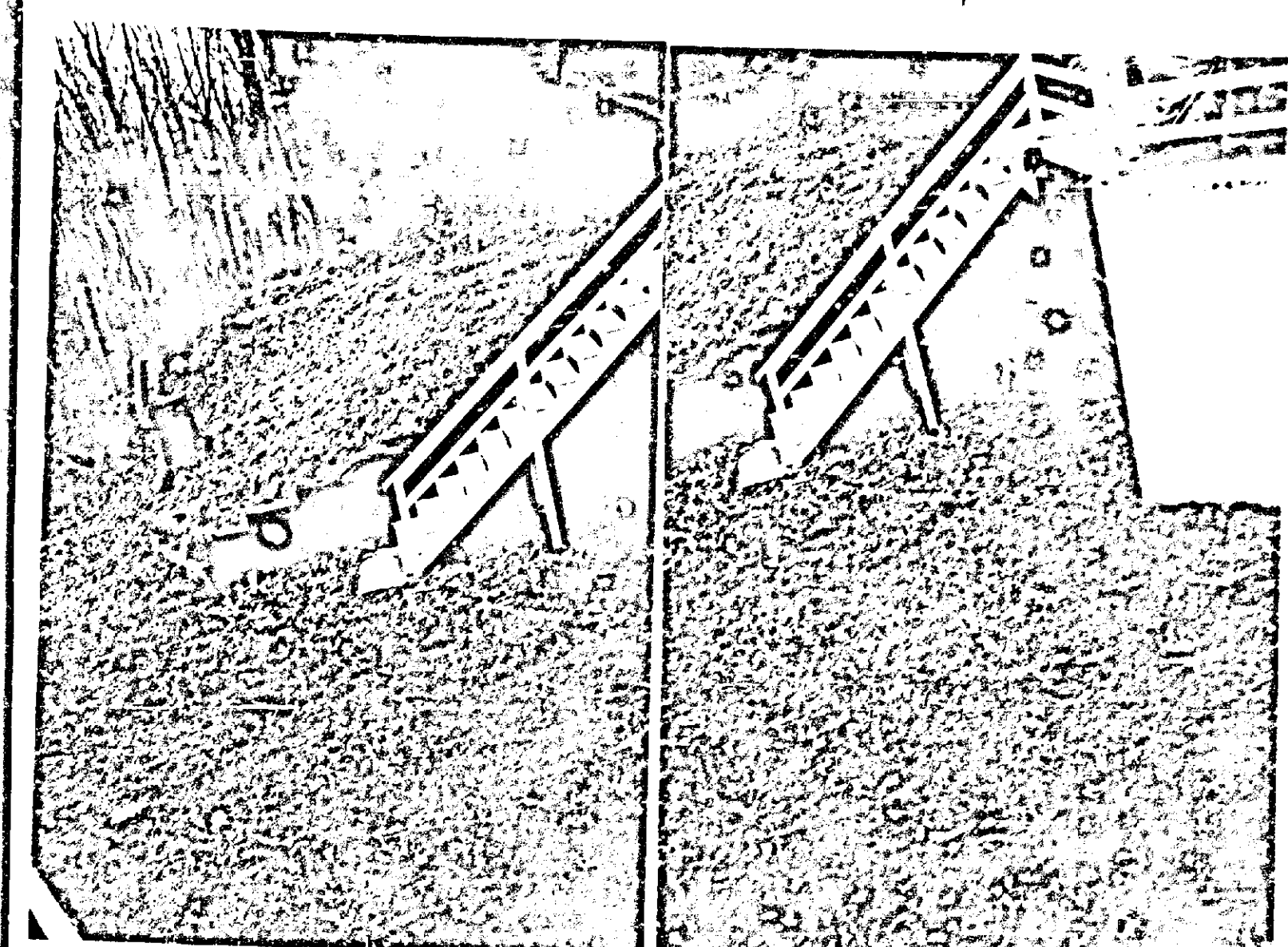
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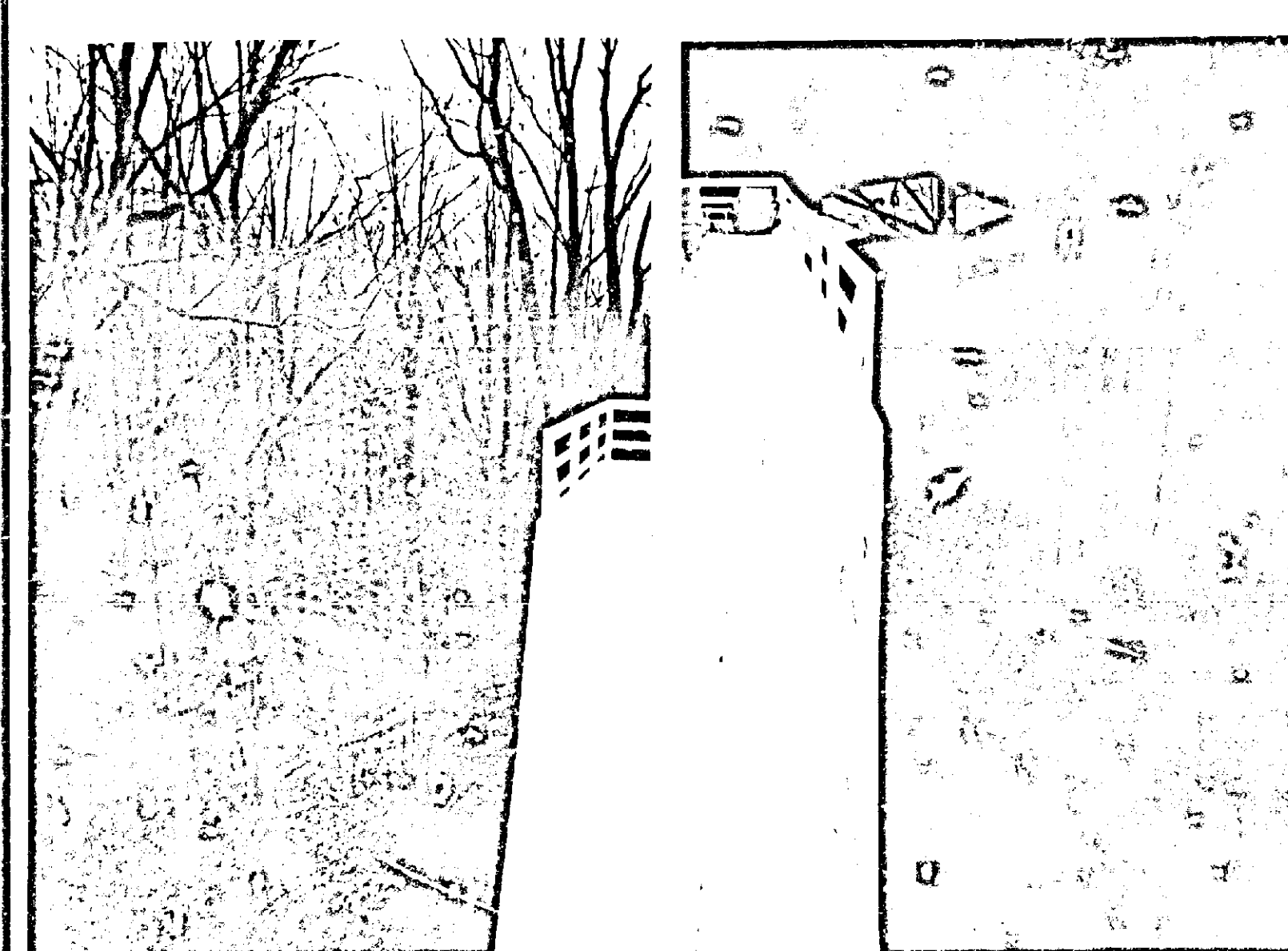


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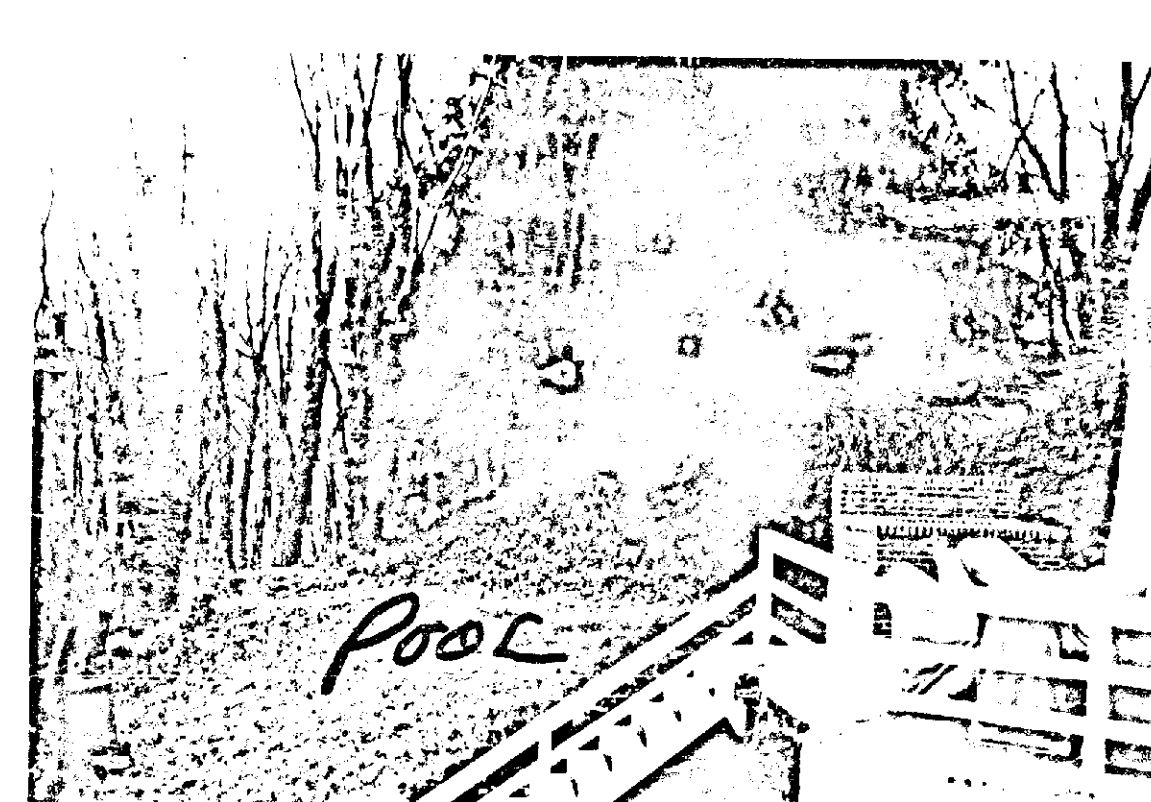
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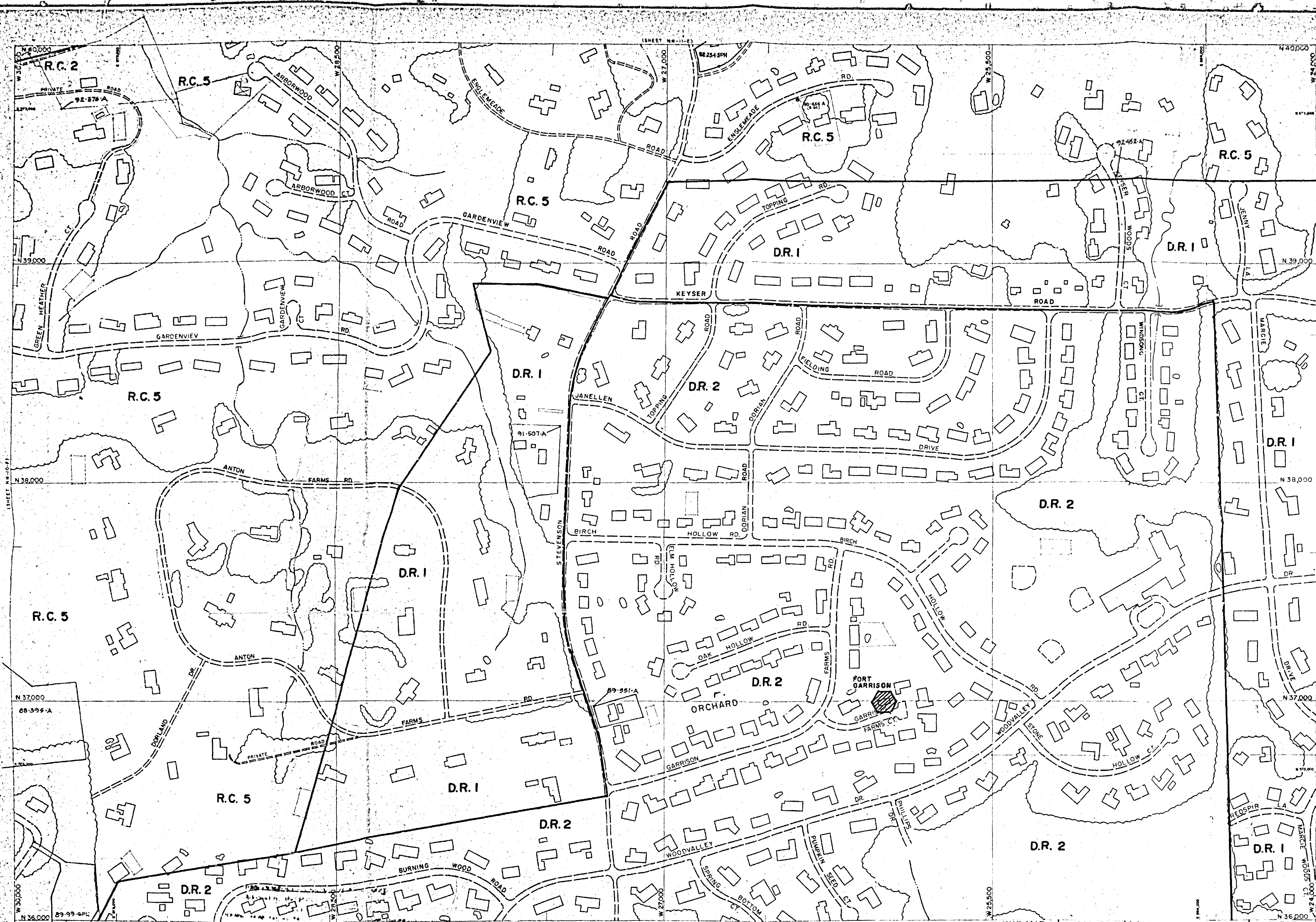
94-253-A



94-253-A



POOL



1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992

1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992

SCALE
1" = 200'

DATE OF PHOTOGRAPHY
JANUARY 1986

LOCATION
STEVENSON

SHEET
N.W.
10-E

94-253-A



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W. V. 25401

SCALE
1" = 200' ±
DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION
STEVENSON

SHEET

94-253-A
252